

Form PTO-1390
(REV 10-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

1797.0160001/RWE/KKV

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (IF KNOWN, SEE 37 C.F.R. § 1.5)

To be assigned **09/856561**

INTERNATIONAL APPLICATION NO

PCT/US99/27731

INTERNATIONAL FILING DATE

23 November 1999

PRIORITY DATE CLAIMED

23 November 1998

TITLE OF INVENTION

Thlaspi caerulescens Subspecies for Cadmium and Zinc Recovery

APPLICANT(S) FOR DO/EO/US

Li, Yin-Ming; Chaney, Rufus L.; Reeves, Roger D.; Angle, J. Scott; and Baker, Alan J. M.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)).
4. ☐ The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 372(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information: (1) 37 C.F.R. § 1.136(a)(3) Authorization to Treat a Reply As Incorporating An Extension of Time (*in duplicate*); and (2) Two (2) return postcards.

JO Rec'd PCT/PTO 23 MAY 2001

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.50) To be assigned 09/856561	INTERNATIONAL APPLICATION NO. PCT/US99/27731	ATTORNEY'S DOCKET NUMBER 1797.0160001/RWE/KKV
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17. <input checked="" type="checkbox"/> The following fees are submitted:	CALCULATIONS PTO USE ONLY
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<p>Basic National Fee (37 CFR 1.492(a)(1)-(5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1000.00</p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$860.00</p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$710.00</p> <p>international preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$690.00</p> <p>International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) \$ 100.00</p> <p style="text-align: right;">ENTER APPROPRIATE BASIC FEE AMOUNT = \$ 690.00</p>	
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Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).	\$ 130.00
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Claims	Number Filed	Number Extra	Rate		
Total Claims	16 - 20 =	0	X \$18.00		\$ 0.00
Independent Claims	5 - 3 =	2	X \$80.00		\$ 160.00
Multiple dependent claim(s) (if applicable)			+ \$270.00		\$ 0.00

TOTAL OF ABOVE CALCULATIONS =	\$980.00
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<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.	\$
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SUBTOTAL =	\$980.00
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Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).	\$
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TOTAL NATIONAL FEE =	\$980.00
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Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property	\$
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TOTAL FEES ENCLOSED =	\$980.00
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	Amount to be refunded:	\$
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	charged:	\$
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- a. ☒ A check in the amount of \$1,150.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-0036. A duplicate copy of this sheet is enclosed.
- NOTE: Where an appropriate time limit Under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO: STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. 1100 New York Avenue, NW, Suite 600 Washington, D.C. 20005-3934	<div style="text-align: center;"> <small>SIGNATURE</small> Kristin K. Vidovich <small>NAME</small> 41,448 <small>REGISTRATION NUMBER</small> </div>
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09/856561

JC18 Rec'd PCT/PTO 23 MAY 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Yin-Ming Li *et al.*

Appl. No. To be assigned (U.S. National
Phase of PCT/US99/27731)

Filed: Herewith (Int'l. Filing Date:
November 23, 1999)

For: *Thlaspi caerulescens* Subspecies
for Cadmium and Zinc Recovery

Art Unit: To be assigned

Examiner: To be assigned

Atty. Docket: 1797.0160001/RWE/KKV

**Authorization To Treat A Reply As Incorporating An Extension Of
Time Under 37 C.F.R. § 1.136(a)(3)**

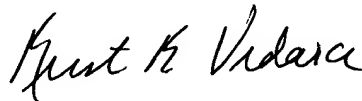
Commissioner for Patents
Washington, D.C. 20231

Sir:

The U.S. Patent and Trademark Office is hereby authorized to treat any concurrent or future reply that requires a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. The U.S. Patent and Trademark Office is hereby authorized to charge all required extension of time fees to our Deposit Account No. 19-0036, if such fees are not otherwise provided for in such reply. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Kristin K. Vidovich
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Date: May 23, 2001
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